IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

APPEAL FROM ORDER NO.958 OF 2005
WITH
CIVIL APPLICATION NO.1125 OF 2005

WITH
APPEAL FROM ORDER NO.960 OF 2005
WITH
CIVIL APPLICATION NO.1127 OF 2005

Abubakar K.V. Mohammed ..Appellant.
Vs.
Brihan Mumbai Municipal Corporation & anr. ..
Respondents.

WITH
APPEAL FROM ORDER NO.961 OF 2005
WITH
CIVIL APPLICATION NO.1128 OF 2005

Baba K.V. Mohammed ..Appellant.
Vs.
Brihan Mumbai Municipal Corporation & anr. ..
Respondents.

...

Mr. Asif Iqbal Patel for the Appellant.
Ms. Geeta Joglekar for the BMC.

...

CORAM : DR.D.Y.CHANDRACHUD, J.

16th November, 2005.

P.C. :

The City Civil Court dismissed the Notice of Motion taken out

by the Appellant recording that despite a demolition which was carried out on 21st December, 1998, a structure had been unauthorizedly reconstructed. These Appeals were filed on 6th October, 2005. On 26th October, 2005, this Court while posting the matter beyond the vacation clarified that there was no ad interim relief in operation. It is common ground that thereafter on 27th October, 2005, the structure has been demolished. In that view of the matter, the appeal which arises out of an order declining ad interim relief does not survive any further. The Appeals are accordingly dismissed. However, on the request of counsel appearing for the Appellant it is clarified that this will not preclude the Appellant from seeking appropriate remedies that may be available in law.

Civil Applications 1125 of 2005, 1127 of 2005 and 1128 of 2005 do not survive in view of the order passed in these Appeals and are accordingly disposed of.